

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

JAMES MICHAEL BROWN
Plaintiff,

v.

WARDEN,
Defendant.

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CAUSE NO.: 3:24-CV-313-JVB-JEM

OPINION AND ORDER

James Michael Brown, a prisoner without a lawyer, filed a habeas corpus petition challenging his 2020 conviction in St. Joseph County under case number 71D03-1909-F2-00017. (ECF 1). This is not the first time he has challenged this conviction in federal court. In 2022, he filed a habeas petition challenging this same conviction, and his petition was dismissed as untimely. *Brown v. Warden*, 3:22-CV-842-RLM-MGG (N.D. Ind. closed Oct. 6, 2022).

Because he filed a prior petition, he cannot proceed with a new habeas petition challenging his 2020 conviction unless he obtains authorization from the Seventh Circuit.¹ 28 U.S.C. § 2244(b)(3)(A). There is no indication from his filing he has obtained such authorization. Because this court lacks jurisdiction to consider an unauthorized successive petition, the petition must be dismissed. 28 U.S.C. § 2244(a); *Burton v. Stewart*, 549 U.S. 147, 157 (2007).

For these reasons, the petition (ECF 1) is **DISMISSED** for lack of jurisdiction. The clerk is **DIRECTED** to close this case.

SO ORDERED on April 23, 2024.

s/ Joseph S. Van Bokkelen

JOSEPH S. VAN BOKKELEN, JUDGE
UNITED STATES DISTRICT COURT

¹ A petition dismissed as untimely counts as a “prior” petition for purposes of the limitation on successive petitions. *Altman v. Benik*, 337 F.3d 764, 766 (7th Cir. 2003).